

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

v.

Criminal Case No. 05-80810

Michael Anthony Clark,

Sean F. Cox

United States District Court Judge

Defendant.

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**ORDER DENYING
DEFENDANT’S REQUEST FOR COUNSEL
AND TERMINATING MOTION FOR PROTECTION**

In this criminal action, Defendant Michael Anthony Clark (“Defendant”) was convicted of various drug-trafficking offenses and was sentenced to 600 months of imprisonment.

Acting *pro se*, on or about July 17, 2020, Defendant filed the following: 1) a “Motion for the Court’s Protection Under The Liberal Pleading” Standard set forth in *Haines v. Kerner* (ECF No. 710); 2) a Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A), based upon concerns about the ongoing novel coronavirus pandemic (ECF No. 711); and 3) a motion asking this Court to appoint counsel for Defendant, for purposes of assisting him with his Motion for Compassionate Release. (ECF No. 712).

Defendant’s first motion, his “Motion for the Court’s Protection Under The Liberal Pleading” Standard set forth in *Haines v. Kerner* requires no action from this Court, as this Court is well aware of the standard afforded to *pro se* pleadings. Thus, that motion will be TERMINATED.

Next, the Court considers Defendant’s request for the appointment of counsel.

The Sixth Amendment secures to a criminal defendant who faces incarceration the right to counsel at all “critical stages” of the criminal process. *United States v. Wade*, 388 U.S. 218, 224 (1967). The United States Supreme Court had held that a prisoner’s post-conviction right to counsel extends only to the first appeal of right and no further. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). Thus, the decision whether to appoint counsel for Defendant for purposes of filing a motion for compassionate release is a decision within the sound discretion of a district court. *United States v. Stephens*, 2020 WL 3250226 at *2 (E.D. Mich. June 16, 2020).

Motions for Compassionate Release are not complex, either legally or factually, and Defendant was able to draft and file a motion on his own. Accordingly, IT IS ORDERED that Defendant’s motion seeking appointment of counsel is DENIED.

As to Defendant’s pending Motion for Compassionate Release, this Court has already ordered the Government to file its response by August 28, 2020. The Court has also ordered that any reply brief filed by Defendant must be filed by September 9, 2020. No further or additional briefing shall be allowed without leave of Court.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 4, 2020